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5 **UNITED STATES DISTRICT COURT**  
6 **DISTRICT OF NEVADA**  
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8 JAMES DOMINGO and DOROTHY  
9 DOMINGO,

10 Plaintiffs,

11 v.

12 BAC HOME LOAN SERVICING, LP,  
13 et al.,

14 Defendants.  
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2:11-CV-1459 JCM (GWF)

16 **ORDER**

17 Presently before the court is defendants BAC Home Loan Servicing, LP, et. al.'s motion to  
18 dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). (Doc. #2). Defendants filed their  
19 motion on September 9, 2011. Plaintiffs James and Dorthy Domingo were required to respond by  
20 September 26, 2011. (Doc. #2). Plaintiffs have failed to file a response.

21 Pursuant to Nevada Local Rule 7-2(d), "the failure of an opposing party to file points and  
22 authorities in response to any motion shall constitute a consent to the granting of the motion." *See*  
23 *also U.S. v. Warren*, 601 F.2d 471, 474 (9th Cir. 1979). However, the court will not automatically  
24 grant every unopposed motion. In *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995), the Ninth  
25 Circuit held that the court had to weigh the following factors before dismissing the action: (1) the  
26 public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3)  
27 the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their  
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1 merits; and (5) the availability of less drastic sanctions.

2 In light of the plaintiff's failure to respond and weighing the factors identified in *Ghazali*,  
3 the court finds dismissal appropriate.

4 Accordingly,

5 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that defendants' motion to  
6 dismiss (doc. #2) be, and the same hereby is, GRANTED.

7 DATED October 19, 2011.

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10 UNITED STATES DISTRICT JUDGE